



AIR TRANSPORT ASSOCIATION

February 4, 2003

U.S. Department of Transportation
Docket Management System
400 7th Street SW, Plaza 401
Washington, DC 20591-0001

Re: Exemption No. 4317, as amended; Docket No. FAA-2001-9096

Ladies/Gentlemen:

In accordance with Title 14 of the Code of Federal Regulations (14CFR) § 11.61, the Air Transport Association of America, Inc. (ATA), on behalf of its member airlines¹ petitions the Administrator for an extension of Exemption No. 4317H (Docket No. FAA-2001-9096). This exemption is scheduled to expire on April 30, 2003.

The relief granted by Exemption 4317 has been in effect continuously since March 26, 1980, with the exception of a brief, unintended hiatus in 1984. See Exemption Nos. 2945, 2945A, and 4317. Exemption 4317 construes 14 CFR § 121.485(b) to apply only when a three-pilot crew is required by regulation. U.S. air carriers have operated on this basis since § 121.485 was promulgated in 1945. U.S. air carriers understood this to be the meaning of this provision when it was promulgated in 1945, and Exemption 4317 confirms this construction.

Granting this Request is in the Public Interest

Extending Exemption 4317 is in the public interest to maintain consistent implementation of the FARs. Any changes to Exemption 4317 would create considerable confusion about implementing 14 CFR 121.485, and would have a significant adverse economic impact on U.S. air carriers and ultimately, the public.

^{1/} Operator Members:

Airborne Express, Alaska Airlines, Aloha Airlines, America West Airlines, American Airlines, American Trans Air, Atlas Air, Continental Airlines, Delta Air Lines, DHL Airways, Emery Forwarding, Evergreen International, Federal Express, Hawaiian Airlines, JetBlue Airways, Midwest Express Airlines, Northwest Airlines, Polar Air Cargo, Southwest Airlines, United Airlines, United Parcel Service, US Airways.

Associate Members:

Aeromexico, Air Canada, Air Jamaica, KLM Royal Dutch Airlines, and Mexicana.



AIR TRANSPORT ASSOCIATION OF AMERICA, INC.

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Exemption will not adversely Affect Safety

U.S. airlines have operated safely under 14 CFR 121.485 as construed by Exemption 4317, since that provision was first promulgated. Safety has not been derogated in any way for 50 years by the airlines following this regulation as construed by Exemption 4317. It is fully recognized that if a flight is scheduled in excess of 12 hours, the operator is required to have three pilots and an additional crewmember and the rest provision of 14 CFR 121.485 would apply. The circumstances justifying the issuance of Exemption 4317 have not changed, and this petition merely requests the continuation of Exemption 4317. This petition does not seek to change the conditions or limitations of the current exemption.

The renewal of this exemption is not a controversial issue. For this reason, and the reasons stated above, ATA requests that a finding of good cause be made for waiving publication in the *Federal Register*, (14 CFR §11.87). Granting the requested relief will not set a precedent. The existence of the exemption is well known and widely accepted.

A summary of this petition as required by 14 CFR §11.81 is attached.

If you have any questions or need additional information, please call me at (202) 626-4012.

Very truly yours,

AIR TRANSPORT ASSOCIATION
OF AMERICA

By: _____

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Attachment

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Attachment

SUMMARY OF ATA PETITION

To extend Exemption 4317, which construes the Code of Federal Regulations, 14 CFR § 121.485 to apply only to operations in which three or more pilots and additional crewmembers are required by regulation.